

Application No. 10/770,090
Amendment dated November 15, 2006
Reply to Office Action Mailed on August 17, 2006

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings replace the previous drawings in the application that the Examiner has held to be informal.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

A. Introduction

All references to paragraphs numbers in the specification relate to the paragraph numbers listed in Patent Application Publication No. 2004/0182446, which uses a different paragraph numbering from the specification as originally filed.

B. In the Specification

Paragraphs [0038] and [0040] have been amended to correct typographical errors.

New paragraph [0054.1] has been introduced to provide proper antecedent language to new claim 63. Support can be found in the specification as originally filed, e.g., at Fig. 7.

Paragraph [0057] has been amended to provide proper antecedent language to new claims 48 and 64.

No new matter has been added.

C. In the Drawings

In response to the Examiner's holding that the original drawings are to be considered informal, new drawings are provided in the enclosed Appendix, which replace the drawings originally filed.

Figs. 4 and 5 have not been amended to show, in phantom lines, the lobes described in paragraph [0039] of the specification, because such lobes are no longer part of the claim recitations.

D. In the Claims

1. Regarding the Election of Species

The Examiner has restated the requirement for the election of species as final and elected claims 1-2, 4-10, and 39-47 for examination.

Applicant states for the record his objection to the Examiner's request for election and election of claims, for the reasons stated in the amendment filed on June 6, 2006, 2006. In order to expedite allowance of the present application, the Examiner's final election is not traversed herein. Applicant reserves the right to rejoin the withdrawn claims in the application upon allowance of the elected claims.

2. Regarding the Rejections under 35 U.S.C. 102(b) and 103(a)

Claims 1-2, 4 and 7 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by USPN 4,838,262 to Katz ("Katz"). Claims 39-40 have been rejected under 35 U.S.C. 103(a) as allegedly obvious over the prior art in view of Katz. Claims 44-45 have been rejected under 35 U.S.C. 112 as lacking sufficient antecedent basis in the specification.

Claims 5, 6, 8-10, 41-47 have been held to be directed at allowable subject matter but have been objected to as depending on rejected base claims.

Claims 1-2, 4-10, and 39-47 are canceled and new claims 49-66 are submitted herein. The following section of this paper details why the new claims are directed to allowable subject matter in view of the prior art of record.

3. Regarding the New Claims

New claim 49 is directed to a membrane valve having an outflow duct coupled to the valve case. The outflow duct includes a central portion that can be opened and a retaining member that extends from the central portion, causing a portion of the shutter disk to remain in contact with the valve seat. Claim 49 is believed to be allowable because it is essentially directed to the same subject matter as claim 41, which has been held to recite allowable subject matter.

New claim 50 is directed to the membrane valve of claim 49, wherein the retaining member is a stop rib. Claim 50 is believed to be allowable because it is essentially directed to the same subject matter as claim 41, which has been held to recite allowable subject matter.

New claims 51 is directed to the membrane valve of claim 50, wherein a number of alternative shapes of the peripheral edge of the stop rib are listed. Claim 51 is believed to be allowable because it is essentially directed to the same subject matter as claim 9, which has been held to recite allowable subject matter.

New claims 52 is directed to the membrane valve of claim 50, wherein a number of alternative shapes of the peripheral edge of the stop rib are listed. Claim 51 is believed to be allowable because it is essentially directed to the same subject matter as claim 10, which has been held to recite allowable subject matter.

New claim 53 is directed to the mode of engagement of the shutter disk with one of the ribs within the opening in the valve seat. Support for this claim can be found in the specification, e.g., at Fig. 7.

New claim 54 is directed to the retaining member being aligned with one of the ribs within the opening in the valve seat. Support for this claim can be found in the specification, e.g., at Fig. 7. It is noteworthy that, contrary to the recitation of claim 54, Katz always shows blade 107 as compressing flapper valve 102 in locations where blade 107 does not become aligned with the rib that includes hole 104.

New claim 55 is directed to the membrane valve of claim 49, wherein an annular wall surrounds the seat opening. Support for this claim can be found in the specification, e.g., at Fig. 7.

New claim 56 is directed to the membrane valve of claim 49, wherein the outflow duct extends in a direction lateral from the valve seat. Support for this claim can be found in the specification, e.g., at Fig. 8.

New claims 57 and 58 are directed to the membrane valve of claim 49, wherein the central portion of the outflow duct can be opened either by removing it from, or by being hinged

to, the peripheral portions of the outflow duct. Support for these claims can be found in the specification, e.g., at paragraph [0056].

New claim 59 is directed to the shape and orientation of the shutter disk. Claim 59 is believed to be allowable because it is essentially directed to the same subject matter as claims 46 and 47, which have been held to recite allowable subject matter.

New claim 60 is directed to a second stage pressure reducer comprising the membrane valve of claim 49. Claim 60 is allowable over the prior art of record at least for the same reasons as claim 49.

New claim 61 is directed to the second stage pressure reducer of claim 60, wherein the retaining member is a stop rib. Claim 61 is allowable over the prior art of record at least for the same reasons as claim 50.

New claims 62-63 are directed to the second stage pressure reducer of claim 60, wherein the valve seat is contained in a planar portion of the valve case, and wherein such planar portion may be inclined with respect to the longitudinal axis of the mouthpiece. Support for these claims can be found in the specification, e.g., at Fig. 7 (the planar portion is the portion on top of which element 111 rests).

New claim 64 is directed to the outflow direction of the spent gas from the second stage pressure reducer of claim 60. Claim 64 is essentially directed to the same subject matter as claim 44, which has been held to recite allowable subject matter.

New claims 65 and 66 are directed to the second stage pressure reducer of claim 60, wherein the central portion of the outflow duct can be opened either by removing it from, or by being hinged to, the peripheral portions of the outflow duct. Claims 65 and 66 are allowable over the prior art of record at least for the same reasons as claim 57 and 58.

4. *Fees*

The new claims are equal in number to the canceled claims. No additional independent claims and no multiple claims have been introduced over the canceled claims. Therefore, it is believed that no additional fees are due at this time.

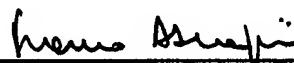
E. Conclusion

In view of the amendments and remarks submitted herein, Applicant submits that the present application is in condition for allowance.

If it is felt that direct communication would be helpful in advancing prosecution of the present application, the Examiner is invited to contact the undersigned attorney of record, Franco A. Serafini, by telephone, fax, or e-mail.

Dated: November 17, 2006

Respectfully submitted,



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